

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA, } Case No. CR 98-0339-RMT
Plaintiff, } CV 04-6759-RMT
vs. } ORDER DENYING MOTION
SOLOMON TEKLE, } BY DEFENDANT TO REOPEN
Defendant. }

This matter has come before the court on the Motion filed September 18, 2008 by defendant Solomon Tekle to Reopen Defendant's Prior 28 U.S.C. Section 2255 Petition pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure. By this motion, defendant seeks to reopen his Section 2255 motion and reargue his claims. This court has already considered defendant's Section 2255 motion and by order filed January 30, 2006 and entered January 31, 2006, this court denied the said motion. As such, the instant motion to reopen is actually a second or successive Section 2255 motion and, therefore, before defendant may file this motion with the District Court, he must first seek permission from the Ninth Circuit Court of Appeals. 28 U.S.C. § 2255(h).

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1 Accordingly,

2 IT IS ORDERED that the motion to reopen by defendant Solomon Tekle
3 is denied without prejudice.

4 Dated: October 9, 2008

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6 ROBERT M. TAKASUGI
7 United States District Sr. Judge

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